

DEC 17 2010

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES OF AMERICA

vs.

CR-10-167-FVS

**MILTON JOSEPH PETRIN and
JANICE PETRIN**

Name

File No.

Telephone Number

AGREEMENT FOR SUPERVISED PRE-TRIAL DIVERSION

It appearing that you are reported to have committed an offense against the United States between on or about May 2006 through on or about June 2007, in the Eastern District of Washington, in that you did willfully injure and commit depredation against real property of the United States or an agency thereof, by excavating land, clearing and removing native trees, shrubs and vegetation from approximately National Park Service land in the Keller Ferry area of Lake Roosevelt National Park, and that the loss of the resulting damage exceeded \$1,000.00, all in violation of 18 U.S.C. § 1361. Upon your accepting responsibility for this act, and it further appearing, after an investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure, therefore,

On the authority of the Attorney General of the United States, by ~~James A. McDevitt~~ ^{Michael C. Ormsby}, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of 12 months from the date of the filing of this agreement, provided you abide by the following conditions and the requirements of the program set out below:

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this pre-trial diversion program or change the period of supervision which shall in no case exceed 36 months. The United States Attorney may also release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

1 If, upon completion of your period of supervision, a pre-trial diversion
 2 report is received to the effect that you have complied with all the rules,
 3 regulations and conditions above mentioned, no prosecution for the offense set out
 on page 1 of this agreement will be instituted in this District.

4 Neither this agreement nor any other document filed with the United States
 5 Attorney as a result of your participation in the Pre-Trial Diversion Program will
 be used against you, except for impeachment purposes, in connection with any
 prosecution for the above described offense.

6 CONDITIONS OF PRE-TRIAL DIVERSION

7 1. You shall not violate any law (federal, state and local). You shall
 8 immediately contact your pre-trial diversion supervisor if arrested and/or
 9 questioned by any law enforcement officer.

10 2. You shall continue to live in this judicial district. If you intend to
 11 move out of the district, you shall inform your supervisor so that the appropriate
 transfer of program responsibility can be made.

12 3. You shall follow the program and conditions described below.

13 4. You shall report to the United States Probation Office as directed and
 keep the United States Attorney informed of your whereabouts.

14 5. You shall strive to achieve the desired goals of the program.

15 SPECIAL PROGRAM

16 6. Descriptions:

17 a. You shall pay restitution in the amount of \$ 16,895.13.

18 This amount is based upon the following:

19 Restoration/Monitoring & Maintenance (with Petrin private land
 access)-\$9,536.04. The Petrins have agreed to allow land access.

20 Law Enforcement response/investigations - \$2,069.12

21 Natural resource field data collection - \$2,648.98

22 Supplies/materials - \$345.57

23 Archaeological assessment - \$1,085.96

24 Claim development - \$664.30

25 General case management - \$545.16.

26 Total: \$16,895.13 with Petrin land access

The restoration of the property has not yet occurred. As a result, the parties agree
 that if the final billing for these costs differs from this agreement, the agreement
 shall be amended in writing to correlate with the actual costs.

b. You shall coordinate with Park Service Officers, Beth Lariviere and Brain Yetter to jointly complete a total of 40 hours of community service hours within the Lake Roosevelt National Park, assisting the Park Service with their efforts to prevent additional encroachment on Forest service land.

I, **MILTON JOSEPH PETRIN** and **JANICE PETRIN**, assert and certify that we are aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also an aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request that the United States Attorney for the Eastern District of Washington defer any prosecution of me for violation of Title 18, United States Code, Section 1361 for a period of 12 months, and to induce him to defer such prosecution I agree and consent that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of 12 months, which is the period of this Agreement.

I hereby state that the above has been read by me. I understand the conditions of my pre-trial diversion and agree that I will comply with them.


MILTON JOSEPH PETRIN

12/17/10
DATE


JANICE PETRIN

12/17/10
DATE


RICHARD L. BECHTOLT
Defendant's Attorney

12/17/10
DATE

1 Stephanie Van Marter
2 Stephanie Van Marter
3 Assistant United States Attorney

12/17/10
DATE

4 APPROVED without passing judgment on the merits or wisdom of this
5 diversion.

6
7 Fred Van Sickle

8 Fred Van Sickle
9 Senior United States District Court Judge

December 17, 2010
DATE